



The E-Newsletter of the Senate Majority Caucus

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Senators Override Governor's Vetoes of Education, Pay Raise, Ice Bills

The Governor's veto of the Education Reinvention Act of 2004 (SB3238), a comprehensive package of reforms to Hawaii's public school system, was overridden by a 20-4 vote in the Senate on May 3. The final version of the education bill, which was spearheaded throughout the session by Senate Education Chair Sen. Norman Sakamoto, was clarified by subsequent amendments to HB2002:

- Specific criteria will be applied to individual performance contracts for principals.
- Principals will develop and present academic and financial plans for their schools to the school community council for review.
- That plan will be reviewed and evaluated by the council, and any revisions the council recommends



will be given to either the principal or the complex area superintendent.

- Charter schools will decide, as a group, whether or not to implement the weighted student formula.
- The weighted student formula will be implemented in a minimum of 15 schools (one in each school complex area) by January 1, 2005.
- A feasibility study will be conducted to evaluate increasing the 70% funding at the school level to 80% and later 90%. The study will also address buyback provisions for services, and will be completed before the start of next year's legislative session.

Senate Remains Supportive of HGEA Pay Raises

May 3 - Voting on the next-to-last day of the 2004 legislative session, Senators overrode a Governor's veto of pay raises for the 23,000 members of the Hawaii Government Employees Association (HGEA). HB1043 appropriates funds for an arbitrated pay raise handed down on March 29 of this year. HGEA members were awarded a 5 percent pay raise to take effect January 2005. The agreement also included step movements and other provisions specific to individual bargaining units.

Senate Majority members took issue with Governor Lingle's claim that the pay hike was beyond the state's means, and pointed to the fact that arbitrated awards are legally binding.

Ice Bill Override Reflects Broad Consensus

The Senate's April 30 override vote of HB 2003 was the occasion for an eloquent summation of the bill's provisions by Judiciary Chair Sen. Colleen Hanabusa, one of the measure's principal sponsors. Sen. Hanabusa was co-chair of the Joint House Senate Task



Force on Ice and Drug Abatement "It was because of the cries of the community that the Legislature chose to act this year," she said, and went on to emphasize the measure's balanced approach to a law enforcement and public health crisis.

A Balanced Approach

"What we've done is strike a balance between treatment and enforcement," she said in her floor remarks. "We are making a distinction because we believe in the fact that people can change. We believe in

people and that is fundamental in this bill."

Sen. Hanabusa also pointed out that the bill contains stricter penalties, especially where young people are involved. Repeat offenders who sell to minors will face a "one-strike-and-you're-out" penalty of life with a mandatory fifteen years. Any attempt to sell to a minor is considered a Class A felony. "That shows the strong penal nature of this bill," she said. "We have an epidemic, and we cannot turn our backs on the people who need us."

Optometry Bill Override Will Expand Service Options

The Senate's override of the Governor's veto of HB1797, a measure that raises the level of optometric care, is intended to make Hawaii's laws relating to eye care consistent with those in most other states. The 20-4 override vote came on April 30, the fifty-eighth day of the 60-day session.



Increased Quality of Care
Senate Health Committee Chair Rosalyn Baker spoke in support of HB1797, saying,

"This measure increases the quality of care available to all citizens. Modern optometrists have the appropriate education and training to treat diseases of the eye, including glaucoma — but Hawaii is one of only three states where optometrists cannot treat that disease."

Specialized Education

Senator Baker pointed out that optometric education includes a wealth of specialized training, and that optometrists must pass stringent tests before they can prescribe any medications. "Our optometrists must already pass the requisite tests. They are trained, but the [current] law restricts them," she said.

Optimizing Training

The Health Committee Chair said that she and her colleagues on both the Health and Consumer Committees had looked at a preponderance of the evidence and concluded that "we should allow doctors of optometry to use the training they have been given."

Many states have had optometrists prescribing certain medications since 1976. In those states, trained optometrists routinely work with medical specialists in other areas to provide primary eye care.

Gas Cap Refined; Start Date Postponed Till September '05

Senate Bill 3193, the measure that amends Hawaii's gasoline price cap law, passed final reading in both Houses of the Legislature on May 3. The bill fine-tunes the existing law and postpones its effective date to September of 2005 to allow the Public Utilities Commission and the Department of Business, Economic Development, and Tourism to prepare for its implementation.

"Fairer Prices"



Consumer Protection Chair Senator Ron Memon, the longtime champion of gas cap legislation, said, "I believe that the implementation of a gas

price cap in Hawaii will be successful because it will result in fairer and more reasonable prices. This is because by tying Hawaii's prices to a national benchmark, it will ensure that Hawaii's prices more closely track

mainland gas pricing trends --- so that when mainland pump prices plummet when crude oil prices fall, just as they did last year, Hawaii's prices will do the same. Furthermore, this bill will insure that after making adjustments for higher taxes and costs in Hawaii, the wholesale margins earned by the oil companies in this State will be more in line with the margins that they are earning on the mainland.

"Let us not lose sight of why this legislation is needed. Hawaii's consumers need relief. Our state gasoline market lacks competition and is dominated by a few oil companies and large wholesalers who can charge whatever they want. No matter what the apologists for the oil companies may allege, the indisputable fact is that the supra-competitive profits being charged by these companies — and not taxes and costs — are the primary drivers behind Hawaii's high gasoline prices. Considerable expert testimony was generated in the State's anti-trust litigation in the 1990's and the Attorney General's Office spent over four years investigating the gasoline industry in Hawaii."

Bottle Bill To Take Effect Next Year

Refinements to Hawaii's 2002 bottle bill law are contained in SB1611, which establishes procedures for a deposit beverage container program and will allow consumers to redeem disposable beverage containers for a five-cent return, starting January 1. The measure is poised for final passage in both Houses. Under its provisions, retailers will assess a six-cent-per-container deposit fee, with the remaining one cent being earmarked for administration of the program.

Reducing Consumables

Bill sponsor Sen. J. Kalani English, Chair of the Committee on Energy and Environment, said, "This will bring down the number of consumables that we throw away and help people to develop a recycling and conservation ethic. In some small way it will transfer wealth to the less fortunate and makes it easier for retailers and bottlers to administer the bottle bill."

